

REMARKS

Claims 1-98 and 100-218 are pending with this response. Claim 99 was previously cancelled. The Applicant is adding claims 217-218 with this response. Claims 1-98 and 100-216 are rejected by the Office Action.

Claim Rejections – 35 USC §102

Claims 1-3, 5, 7, 10, 13, 14, 16, 17, 19-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57-60, 62, 67, 70, 71, 73, 74, 76, 93-97, 99, 104, 107, 108, 110, 111, 113-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 153-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 194-198, 200, 205, 208, 209, 211, 212, and 214-216 are rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,765,138 (Aycock et al.). The Applicant is amending claim 1 to include the feature of “displaying, **for a selected hierarchical level**, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”. (Emphasis added.) The Advisory Action alleges that the “Applicant’s remarks are directed to features which are not present in the claims. For example, Applicant argues that the Aycock reference does not teach determining the associated link between the supplier and the company that are dependent on hierarchical levels. The claims do not include these features.” The Applicant is amending claim 1 to clarify the associated link between the supplier and the company that are dependent on hierarchical levels. The present patent application discloses, for example (Paragraph 60-61. Emphasis added.):

- [60] By selecting the team view comparison button 216 in the side menu 300, the team view comparison screen 280 is displayed, as shown in Fig. 12. The team view comparison screen 280 allows a user to compare the teams view performance metrics of multiple suppliers by stacking them up next to each other in a matrix. Such comparison can be done at department, division or company level, and comparisons across levels of the hierarchy will be possible (i.e. compare supplier A’s performance at divisional level against supplier B’s performance at company level).
- [61] Each supplier is identified by supplier field 281, division field 282, and department field 283. The KPI column 284 corresponds to the five defined teams view measures, for both their pre-season and in-season performance set forth in Fig. 8. In the illustrated embodiment these measures are: deliveries,

quality, documentation, culture, and communication. The subtotals are for pre-season and in-season performance, respectively, and the season total field displays the total score for the supplier, as was the case in Figure 8. The date the score was created is also indicated.

Aycock does not teach the feature of “displaying, for a selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”. In fact, Aycock does not even suggest the concept of a hierarchical level.

Similarly, claim 20 includes the feature for “displaying, for a selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”; claim 39 includes “a module/component displaying, for a selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”; claim 58 includes “an interface displaying, for a selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”; claim 93 includes the feature for “generating, for a selected hierarchical level, at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier”; claim 113 includes the feature for “generating, for a selected hierarchical level, at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier”; claim 133 includes “a module/component generating, for a selected hierarchical level, at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier”; claim 153 includes the feature for “evaluating, for a selected hierarchical level, the suppliers for said supply chain based on the performance information”; claim 174 includes the feature for “evaluating, for a selected hierarchical level, the suppliers for said supply chain based on the performance information”; and claim 194 includes “a module/component evaluating, for a selected hierarchical level, the suppliers for supply chain based on the performance information”.

Claims 2-3, 5, 7, 10, 13, 14, 16, 17, 19, 21-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57, 59-60, 62, 67, 70, 71, 73, 74, 76, 94-97, 104, 107, 108, 110, 111, 114-117, 119, 124, 127, 128, 130, 131, 134-137, 139, 144, 147, 148, 150, 151, 154-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 195-198, 200, 205, 208, 209, 211, 212, and 214-216 depend from independent claims 1, 20, 39, 58, 93, 113, 133, 153, 174, and 194. Thus, claims 1-3, 5, 7, 10, 13, 14, 16, 17, 19-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57-60, 62, 67, 70, 71, 73, 74, 76, 93-97, 104, 107, 108, 110, 111, 113-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 153-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 194-198, 200, 205, 208, 209, 211, 212, and 214-216 are not anticipated by Aycock for at least the above reasons, and the Applicant requests for reconsideration.

Claims 1, 2, 7-9, 11, 12, 15, 18, 20, 26-28, 30, 31, 34, 37, 39, 45-47, 49, 50, 53, 56, 58, 64-69, 72, 75, 93, 94, 96, 101-103, 105, 106, 109, 112-114, 116, 121-123, 125, 126, 129, 132-134, 136, 141-143, 145, 146, 149, and 152 are rejected under USC §102(b) as being anticipated by U.S. Patent No. 6,008,817 (Gilmore). Regarding claim 1, the Office Action reiterates (page 3) that “a supplier of goods or services is part of a supply chain. Any “link” between a company and its supplier is considered a supply chain.” However, the Applicant is amending claim 1 as discussed above. Gilmore does not teach the feature of “displaying, for a selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”. In fact, Gilmore does not even suggest the concept of a hierarchical level.

For similar reasons, as discussed above, independent claims 20, 39, 58, 93, 113, and 133 are not anticipated by Gilmore. Claims 2, 7-9, 11, 12, 15, 18, 26-28, 30, 31, 34, 37, 45-47, 49, 50, 53, 56, 64-69, 72, 75, 94, 96, 101-103, 105, 106, 109, 112, 114, 116, 121-123, 125, 126, 129, 132, 134, 136, 141-143, 145, 146, 149, and 152 depend from these independent claims. Thus, claims 1, 2, 7-9, 11, 12, 15, 18, 20, 26-28, 30, 31, 34, 37, 39, 45-47, 49, 50, 53, 56, 58, 64-69, 72, 75, 93, 94, 96, 101-103, 105, 106, 109, 112-114, 116, 121-123, 125, 126, 129, 132-134, 136, 141-143, 145, 146, 149, and 152 are not anticipated by Gilmore, for at least the above reasons, and the Applicant requests for reconsideration.

Claim Rejections - 35 USC §103(a)

Claims 163, 164, 166, 167, 170, 173, 183, 184, 186, 187, 190, 193, 203, 204, 206, 207, 210, and 213 are rejected under USC §103(a) as being unpatentable over Aycock in view of Gilmore. As discussed above, neither Aycock, nor Gilmore, nor the combination of Aycock and Gilmore teaches or even suggests the feature for “evaluating, for a selected hierarchical level, the suppliers for said supply chain based on the performance information” as included in claim 153, the feature for “evaluating, for a selected hierarchical level, the suppliers for said supply chain based on the performance information” as included in claim 174, and the feature for “a module/component evaluating, for a selected hierarchical level, the suppliers for supply chain based on the performance information” as included in claim 194. Because claims 163, 164, 166, 167, 170, 173, 183, 184, 186, 187, 190, 193, 203, 204, 206, 207, 210, and 213 depend from independent claims 153, 174, and 194, these claims are patentable over Aycock in view of Gilmore, and the Applicant requests for reconsideration.

Claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 are rejected under USC §103(a) as being unpatentable over Aycock in view of reference “An Exploratory Study of the Perceived Benefits of Electronic Bulletin Use and Their Impact on Other Communication Activities” (James et al.). The Applicant submits that the combination of Aycock and James does not teach or even suggest the feature for “displaying, for a selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 1; the feature for “displaying, for a selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 20; the feature for “a module/component displaying, for a selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 39; and the feature for “an interface displaying, for a selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 58 . Because claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 depend from

independent claims 1, 20, 39, and 58, these claims are patentable over Aycock in view of James, and the Applicant requests for reconsideration.

Claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 are rejected under 35 USC §103(a) as being unpatentable over Aycock. Aycock in combination with the Official notice that “it is well known in the state of the art of supply chain management that the evaluation of a supplier would take into account pre-season and in-season performance” does not teach or even suggest the feature for “displaying, for a selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 1; the feature for “displaying, for a selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 20; the feature for “a module/component displaying, for a selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 39; the feature for “an interface displaying, for a selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 58; the feature for “generating, for a selected hierarchical level, at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier” as included in claim 93; the feature for “generating, for a selected hierarchical level, at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier” as included in claim 113; the feature for “a module/component generating, for a selected hierarchical level, at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier” as included in claim 133; the feature for “evaluating, for a selected hierarchical level, the suppliers for said supply chain based on the performance information” as included in claim 153; the feature for “evaluating, for a selected hierarchical level, the suppliers for said supply chain based on the performance information” as

included in claim 174; and the feature for “a module/component evaluating, for a selected hierarchical level, the suppliers for supply chain based on the performance information” as included in claim 194. Because claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 depend from independent claims 1, 20, 39, 58, 93, 113, 133, 153, 174, and 194, these claims are patentable over Aycok, and the Applicant requests for reconsideration of these claims.

CONCLUSION

The Applicant is adding claims 217-218, which are supported by the specification as originally filed. All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Date: April 5, 2004

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